THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.19865, 19867, 19872 and 19922 of 2006

25.9.2006

BETWEEN:

Ganesh Savarkar, S/o.late Ambadas Rao Savarkar
And others

…Petitioners

AND

The Secretary to Government, Revenue Department,
Hyderabad, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION Nos.19865, 19867, 19872 and 19922 of 2006

COMMON ORDER:

In all these writ petitions the petitioners are allegedly owners of house sites in the land comprised in Survey No.74/3, 74/6 and 74/7 of Mahendra Hills, East Maredpally, Secunderabad. When the sale deeds were presented for registration, the registering authority, namely the Sub-Registrar, the third respondent herein collected the registration fees and accepted the documents, but did not register and release the documents to the petitioners. The reason was that there was publication in A.P. Government Gazette Part No.269, dated 19.6.2000, not to register the sale documents relating to land in Survey

No.74. The District Collector was directed to send proposals under Section 22-A of the Registration Act, 1908, as amended by Registration (A.P.Amendment) Act, 1999. In some of the writ petitions the Government Notification vide G.O.Ms.No.365, dated 30.05.2000, whereby and whereunder the Government declared the registration of the land in Survey No.74 of East Maredpally, Secunderabad, as opposed to public policy is under challenge. The challenge is therefore, to the memo as well as the said Government Order.

In **State of Rajasthan v. Basant Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its Judgment, dated 07.12.2005 in W.P.Nos.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.8.2006, and therefore, the impugned notification cannot be sustained. It is also brought to the notice that this Court that by common order dated 22.06.2006 in W.P.No.6925 of 2000 and batch, while allowing the writ petitions, has already quashed G.O.Ms.No.365, dated 30.5.2000.

Following the same, these writ petitions are disposed of, directing the Sub-Registrar or any Registering Officer to accept the documents presented by the petitioners and to consider the same for registration. Be it noted, for any reason, if the documents cannot be registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Registration Act to the petitioners.

Before parting with these cases, having regard to the submission of the learned Assistant Government Pleader for Revenue (General) that the Government filed a Land Grabbing case before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, is pending, this Court observes that it shall be open to the District Collector, Hyderabad, and other revenue officials to approach the Special Court and obtain appropriate orders against the petitioners, if so advised.

The writ petitions, subject to the above observations, are accordingly disposed of. No costs.

(**V.V.S.RAO, J**)

September 25, 2006
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[1] (2005) 12 SCC 77 = 2005 AIR SCW 4456